



Agenda Date: 1/5/01
Agenda Item: IV-A

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
CABLEVISION OF OAKLAND, INC. FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE CITY OF PASSAIC, COUNTY)
OF PASSAIC, STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE00080581

Schenck, Price, Smith & King, Morristown, New Jersey, by Edward W. Ahart, Esq., for the Petitioner.

City Clerk, City of Passaic, New Jersey, by Tina Fiorellino, for the City.

BY THE BOARD:

On August 3, 1979, the Board granted Micro-Cable Communications Corp. d/b/a UA-Columbia Cablevision of New Jersey ("UA-Columbia") a Certificate of Approval, in Docket No. 794C-6457, for the construction, operation and maintenance of a cable television system for the City of Passaic ("City"). Subsequently, UA-Columbia underwent internal restructuring and was doing business as United Artists Cable of New Jersey ("United Artists"). On August 30, 1989, the Board granted UA-Columbia a Renewal Certificate of Approval for the City in Docket No. CE89060543. In Docket No. CO92080822, United Artists informed the Board that it would do business as TCI of Northern New Jersey ("TCINN"). On November 16, 1992, the Board approved the petition and recognized the name change. TCINN underwent further restructuring and informed the Board that it would no longer use the name Micro-Cable Communications Corp. and would now use the corporate name of TCI of Northern New Jersey, Inc ("TCINN, Inc."). On December 17, 1997, the Board approved the transfer of the Certificate of Approval for the City from TCINN, Inc. to Cablevision of Oakland, Inc. ("Petitioner"), in Docket No. CF97090674. Although the Petitioner's Certificate expired on August 3, 1999, the Petitioner is authorized to continue to provide cable service to the City pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the City on November 25, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The City, after public hearing, adopted a municipal ordinance granting renewal consent on May 4, 2000. On May 16, 2000, the Petitioner formally accepted the terms and conditions of the ordinance in accordance with N.J.S.A. 48:5A-24.

On August 23, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the City. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the City reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at 40 Potash Road in the City of Oakland.
8. The franchise fee to be paid to the City is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the City. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall install cable in all residences in the City at tariffed rates for standard and non-standard installation. Commercial establishments shall be constructed in accordance with the Petitioner's commercial line extension policy attached to this Certificate as Appendix "I".
10. The Petitioner shall rebuild and/or upgrade the cable plant serving the City to a minimum of 80 channels of programming by December 31, 2002. The Petitioner shall provide the City governing body with an annual status report on the upgrade of the cable plant serving the City, until completion.

11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide two channels that are shared by the City with neighboring municipalities.
12. Upon request of the City, the Petitioner shall provide a modulator and the necessary wiring to enable the City to gain access to the access channel from the Municipal Building. The Petitioner shall also provide the following equipment to be utilized in the production of non-commercial access programming: one S-VHS VCR; one S-VHS camcorder; and one character generator.
13. Within a reasonable time after written request by the City or any PEG designee, the Petitioner shall provide the necessary wiring and related materials, excluding modulator and studio equipment but including demodulator, engineering and other labor to install up to two return lines for the use of existing or future PEG designees. The return lines shall be provided at the City's cost and expense on a materials plus labor basis. Such return lines shall be installed at places of the PEG designee's choosing, provided that the wiring for such return is technically practicable and can be accomplished without extraordinary expense.
14. The Petitioner maintains access studios for use by any resident, individual or group residing in the community for production of non-commercial PEG access programming. The Petitioner shall provide free training courses for personnel who shall assist in productions originated by the PEG designees and shall offer similar training to employees of the City's schools and supervised students. The Petitioner also maintains some portable production equipment available on a first-come, first-served basis for production of non-commercial PEG access programming.
15. The Petitioner shall designate an employee responsible for receiving and addressing complaints with respect to the quality of the PEG designees' transmissions.
16. The Petitioner shall provide the installation and monthly service, free of charge, to each public school and public library as well as to the main municipal building.
17. Upon written request of the City, the City Administrator and the Petitioner's representatives shall meet at least once annually to review all matters related to cable television in the City.

Based upon these findings, the Board HEREBY CONCLUDES, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the City.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on August 3, 2009.

DATED: January 5, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY